

PATENT

Attorney Docket No. 77008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): CALE et al.

Appln No.: Not Yet Assigned

Filed: Herewith

For: NUTRITIONAL NON-CULTURED
BEVERAGE COMPOSITION

Group Art
Unit: Not Yet Assigned

Examiner: Not Yet Assigned

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"Express Mail" Mailing Label Number

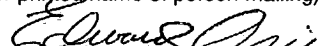
EL 279638720 US

Date of Deposit June 27, 2003

I hereby certify that this paper or fee is being deposited with sufficient postage utilizing the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Edward Price

(Typed or printed name of person mailing)


(Signature of person mailing)

ASSOCIATE POWER OF ATTORNEY

Mail Stop: PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned attorney-of-record in the above-identified patent application hereby appoints the following as Associate Attorneys in connection with said application to prosecute said application and to transact all business in the United States Patent and Trademark Office connected therewith:

Attorney

Debbie K. Wright
Thomas A. Marcoux
Valerie Calloway

Registration No.

33,817
29,826
40,546

All communications with respect to said application should be directed to FITCH, EVEN, TABIN & FLANNERY, 120 South LaSalle Street, Suite 1600, Chicago, Illinois 60603-3406, Telephone No. (312) 577-7000.

June 27, 2003

Date


Richard A. Kaba

Registration No. 30,562

**DECLARATION
FOR UTILITY OR DESIGN
PATENT APPLICATION**

☒ Declaration Submitted With
Initial Filing

☐ Declaration Submitted After
Initial Filing

Attorney Docket No.: 77008

First Named Inventor: CALE t al.

Application Number: N/A

Filing Date: Herewith

Group Art Unit: N/A

Examiner Name: N/A

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

NUTRITIONAL NON-CULTURED BEVERAGE COMPOSITION

(Title of Invention)

the specification of which:

☒ is attached hereto, or

☐ was filed by an authorized person on my behalf on ___ as United States Application Number ___ or PCT International Application Number ___, and was amended on ___ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below, and I have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or any PCT international application, on this invention filed by me or my legal representatives or assigns and having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application Number(s)</u>	<u>Country</u>	<u>Foreign Filing Date</u>	<u>Priority Not Claimed</u>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

- ☐ Additional foreign application numbers are listed on a supplemental priority data sheet attached hereto.

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

<u>Provisional Application Number(s)</u>	<u>Provisional Application Filing Date</u>

- ☐ Additional provisional application numbers are listed on a supplemental priority data sheet attached hereto.

I hereby claim the benefit under Title 35, United States Code, §120, of any prior United States application(s), or under §365(c) of any PCT international application(s) designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information known by me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56, which became available between the filing date of the prior application(s) and the national or PCT international filing date of this application:

<u>Prior U.S. Application Number</u>	<u>Prior PCT International Application Number</u>	<u>Filing Date of U.S. or PCT International Application</u>	<u>Patent Number (if applicable)</u>

- ☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet attached hereto.

As a named inventor, I hereby appoint the practitioners associated with Customer Number 22242, with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, and request that all correspondence and telephone calls in respect to this application be directed to FITCH, EVEN, TABIN & FLANNERY, Suite 1600, 120 South LaSalle Street, Chicago, Illinois 60603-3406, Telephone No. (312) 577-7000, Facsimile No. (312) 577-7007, CUSTOMER NUMBER 22242.



I hereby declare that all statements made herein of my own knowledge are true, and that all statements made herein on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity or enforceability of the application or any patent issued thereon.

Full name of sole or one joint inventor:

Kenneth William Cale

(Given names first, with Family name last)

Inventor's signature:

[Handwritten signature of Kenneth William Cale]

Date:

June 23, 2003

Residence:

Suffern, NY

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Post Office Address:

40 Oxford Drive

Suffern, NY 10901

Citizenship:

USA

Full name of one joint inventor:

Donna Maria Parker

(Given names first, with Family name last)

Inventor's signature:

[Handwritten signature of Donna Maria Parker]

Date:

6/25

Residence:

Nanuet, NY

(City and State for U.S. Residents; City and Country for others)

Post Office Address:

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Nanuet, NY 10954

Citizenship:

USA

Full name of one
joint inventor:

Patricia Carulli Hauser
(Given names first, with Family name last)

Inventor's signature:

Patricia Carulli Hauser

Date:

12/20/03

Residence:

Highland Mills, NY
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Highland Mills, NY 10930

Citizenship:

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Full name of one
joint inventor:

Jean-Pierre Baril
(Given names first, with Family name last)

Inventor's signature:

Jean-Pierre Baril

Date:

6/20/03

Residence:

Fishkill, NY
(City and State for U.S. Residents; City and Country for others)

Post Office Address:

32 Red Schoolhouse Rd.
Fishkill, NY 12524

Citizenship:

Canada

Full name of one
joint inventor:

Zachary Pollack Caplan
(Given names first, with Family name last)

Inventor's signature:

Zachary Pollack Caplan

Date:

6/20/03

Residence:

Tarrytown, NY
(City and State for U.S. Residents; City and Country for others)

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53 Hamilton Place, #3
Tarrytown, NY 10591

Citizenship:

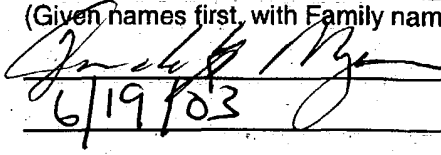
USA

Full name of one
joint inventor:

Randolph Myers

(Given names first, with Family name last)

Inventor's signature:



Date:

6/19/03

Residence:

New Haven, CT

(City and State for U.S. Residents; City and Country for others)

Post Office Address:

80 Howe Street

New Haven, CT 06511

Citizenship:

USA

Full name of one
joint inventor:

(Given names first, with Family name last)

Inventor's signature:

Date:

Residence:

(City and State for U.S. Residents; City and Country for others)

Post Office Address:

Citizenship:

Full name of one
joint inventor:

(Given names first, with Family name last)

Inventor's signature:

Date:

Residence:

(City and State for U.S. Residents; City and Country for others)

Post Office Address:

Citizenship:

RECORDATION FORM COVER SHEET PATENTS ONLY

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

Attorney Docket No. 77008

To the Director of the United States Patent and Trademark Office: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Kenneth William Cale Donna Maria Parker

Patricia Carulli Hauser Jean-Pierre Baril

Zachary Pollack Caplan Randolph Myers

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

2. Name and address of receiving party(ies)

Name: Kraft Foods Holdings, Inc.

Internal Address: _____

Street Address: Three Lakes Drive

City: Northfield State: IL ZIP: 60093

3. Nature of conveyance:

☒ Assignment

☐ Merger

☐ Security Agreement

☐ Change of Name

☐ Other _____

Execution Date: 6/19/03, 6/20/03, 6/23/03, 6/25/03, 6/26/03

Additional name(s) and address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: June 27, 2003

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Richard A. Kaba
FITCH, EVEN, TABIN & FLANNERY

Internal Address: _____

Street Address: Suite 1600

120 South LaSalle Street

City: Chicago State: IL ZIP: 60603-3406

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41).....\$ 40.00

☐ Enclosed

☒ Authorized to be charged to deposit account

8. Deposit Account Number:

06-1135

(Attach duplicate copy of this page if paying by deposit account)

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9. Statement and signature.

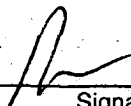
To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Richard A. Kaba

Name of Person Signing

30,562

Registration No.

 Signature

6/27/03

Date

Total number of pages including cover sheet, attachments, and document: 6